

REMARKS

This Amendment is being filed in response to the Office Action mailed January 28, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 4-14 remain in this application, where claim 3 has been canceled by this amendment without prejudice and claims 8-14 have been added. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, claims 1-2 and 4-7 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference designations typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-2 and 4-7 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

By means of the present amendment, the specification has been amended to correct a certain informality and for better conformance to U.S. practice.

In the Office Action, the Examiner objected to the Abstract for commencing on a separate sheet. In response, the current Abstract has been deleted and substituted with the enclosed New Abstract which commences on a separate sheet and better conforms to U.S. practice. Accordingly, withdrawal of the objection to the Abstract is respectfully requested.

In the Office Action, claims 1-3 and 5-7 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0024915 (Endoh). Further, claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Endoh in view of U.S. Patent No. 5,627,817 (Rosen). It is respectfully submitted that claims 1-2 and 4-14 are patentable over Endoh and Rosen for at least the following reasons.

Endoh is directed to an Optical recording medium that includes a wobbling groove 5 and a straight groove 6 formed around a shallow groove 7. As clearly shown in FIG 3, and specifically recited in paragraph [0063], "there is formed a shallow groove 7 of a depth

shallower than the depth of the wobbling groove 5." (Emphasis added)

In stark contrast, the present invention as recited in independent claim 1, amongst other patentable elements recites (illustrative emphasis provided):

wherein the height of said barrier is equal to the height of the substrate between two neighboring main.

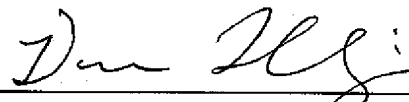
These features are nowhere disclosed or suggested in Endoh. Rosen is cited in rejecting dependent claims to allegedly show other features and does not remedy the deficiencies in Endoh. Accordingly, it is respectfully submitted that independent claim 1 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2 and 4-14 should also be allowed at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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